

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2013-444920-001 SE

01/28/2014

COMMISSIONER PHEMONIA L. MILLER

CLERK OF THE COURT
Y. King
Deputy

STATE OF ARIZONA

RICHARD E SERDEN

v.

JENNIFER BONFIGLIO (001)

ROBYN GREENBERG VARCOE

INITIAL PRETRIAL CONFERENCE - DUI CENTER

9:27 a.m.

Courtroom CCB 802

State's Attorney:	Christen Trusken
Defendant's Attorney:	Robyn Varcoe
Defendant:	Present

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The Court has conducted an initial pretrial conference (IPTC) this date.

Based upon the avowals made to the Court by the parties, the Court finds/orders as follows:

The State has complied with all discovery.

The Defense having not complied with discovery,

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IT IS ORDERED the Defense produce the following items of discovery by 02/04/2014:
15.2 Statement.

IT IS ORDERED setting a Comprehensive Pretrial Conference for 02/28/2014 at 8:30 a.m. before this division.

COMPREHENSIVE PRETRIAL CONFERENCE:

IT IS ORDERED that the attorneys for both the State and Defense be prepared to provide the court with the following information at the Comprehensive Pretrial Conference (CPTC):

A. The status of plea negotiations. This includes whether or not the State has tendered an offer; if so, when it expires; the results of the settlement conference; and whether or not a Donald advisement is required.

B. The status of disclosure by both the State and Defense. This includes what discovery has been disclosed and what discovery still needs to be disclosed. If any discovery is left undisclosed, it is required that all parties comply with Rule 15.6 and provide appropriate affidavits.

C. The number of days required for trial.

D. The number of witnesses to be used at trial, including any out of town witnesses. And the number of expert witnesses to be used at trial.

E. The status of interviews. This includes how many interviews have been conducted and how many are left to complete. This includes whether or not any depositions are going to be required. If depositions are required, it is ordered that the party file a motion requesting same no later than two days before the CPTC date.

F. Whether or not an interpreter is going to be required for either a witness or the defendant or both.

G. The number of jurors required for trial along with the recommended number of alternates.

H. Whether or not the State is requesting an aggravating factors trial to the jury.

I. Any special jury instructions.

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- J. Whether or not either party is requesting a lesser-included offense.
- K. Whether or not there are any anticipated substantive motions to be filed by either party.
- L. Whether or not there are any motions in limine anticipated.

A Final Trial Management Conference is set for 05/08/2014 at 8:30 a.m. before this division.

Jury Trial is set for 05/15/2014 at 10:30 a.m. before this division.

Last Day: 06/17/2014 (0 DAYS EXCLUDED)

A DEFENDANT'S FAILURE TO APPEAR AT THE FINAL TRIAL MANAGEMENT CONFERENCE OR THE TRIAL MAY RESULT IN A BENCH WARRANT BEING ISSUED FOR HIS OR HER ARREST AND THE FTMC AND TRIAL BEING CONDUCTED IN THE DEFENDANT'S ABSENCE.

THE TRIAL DATE SHALL NOT BE CONTINUED UNLESS A WRITTEN MOTION TO CONTINUE IS FILED AT LEAST 5 DAYS BEFORE THE TRIAL. A CONTINUANCE WILL NOT BE GRANTED UNLESS THE MOTION SHOWS THAT EXTRAORDINARY CIRCUMSTANCES EXIST. (Rule 8.5, Rules of Criminal Procedure and guidelines thereto.)

FINAL TRIAL MANAGEMENT CONFERENCE

The purpose of the Final Trial Management Conference (FTMC) is (1) to complete final preparations for trial, and (2) to resolve pending pretrial issues, including possible settlement of the case.

IT IS ORDERED THAT COUNSEL WHO WILL TRY THE CASE AND THE DEFENDANT(S) SHALL PERSONALLY ATTEND THE CONFERENCE. VICTIMS SHALL BE NOTIFIED OF THE CONFERENCE.

JOINT PRETRIAL STATEMENT

Counsel shall meet and confer prior to the FTMC and jointly prepare a Joint Pretrial Statement (JPTS) using the approved form. The JPTS form is to be provided to the trial Judge prior to the FTMC.

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IT IS ORDERED directing counsel to set up and participate in a settlement conference prior to the plea cut off date or the Trial, whichever is the earliest date.

IT IS ORDERED that pursuant to Rule 17.4(a) that counsel with authority to settle the case shall participate in a good faith discussion with the settlement court regarding a non-jury or no-trial resolution which conforms to the interests of justice.

IT IS ORDERED all interviews be completed by 04/08/2014.

IT IS FURTHER ORDERED that the Joint Pretrial Statement (JPTS) shall be filed in this division on or before the FTMC.

IT IS ORDERED all interviews and motions shall be filed in this division on or before the FTMC.

LET THE RECORD REFLECT the Defendant is addressed by the Court and advised of the consequences if he/she fails to appear for any proceeding set by the Court.

IT IS FURTHER ORDERED affirming prior release orders.

9:28 a.m. Matter concludes.

NOTICE: IF AN INTERPRETER IS NEEDED FOR A VICTIM OR A WITNESS FOR ANY HEARING, IT IS THE RESPONSIBILITY OF COUNSEL TO NOTIFY THE COURT BEFORE WHICH THE HEARING IS SCHEDULED 48 HOURS IN ADVANCE OF THE HEARING. (TEN BUSINESS DAYS FOR ANY LANGUAGE OTHER THAN SPANISH).